

Item #:	
Fiscal Impact:	N/A
Funding Source:	N/A
Account #:	N/A
Budget Opening Required:	N/A

ISSUE:

Approval of an Ordinance amending Section 8-1-112 of Title 8 of the West Valley City Municipal Code regarding the appeals process for impact fees.

SYNOPSIS:

Section 8-1-112 of the West Valley City Municipal Code currently states that the appeal of an impact fee determination goes first to the Impact Fee Administrator (the City Manager) and then to the Board of Adjustment and then to district court. Due to the complexities involved in an impact fee analysis, the City Council is more capable than the Board of Adjustment to adjudicate such matters.

BACKGROUND:

Impact fees can be controversial and are fairly complex in how they are calculated. The state rules regarding impact fees can change from year to year either at the state legislature or in court or both. Therefore, after the Impact Fee Administrator has made a determination on a developer's impact fees, the City Council is the next logical step for an appeal of that determination. The Board of Adjustment is not familiar with impact fees. However, the City Council is responsible for amending the fee schedule, which includes impact fees, and for adopting the capital facilities plan and impact fee analysis that are required to charge impact fees.

RECOMMENDATION:

Staff suggests the approval of the proposed amendment.